

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

Leonard Truck & Trailer Inc.,	)	
	)	Case No. 4:21-cv-02362-SL
Plaintiff,	)	
	)	Judge Sara Lioi
v.	)	
	)	
Leonard Buildings and Truck Accessories	)	
et al.,	)	
	)	
Defendants.	)	

**DEFENDANTS LEONARD BUILDINGS' MOTION TO DISMISS**

In accordance with Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Leonard Buildings and Truck Accessories and Leonard Aluminum Utility Buildings, LLC (collectively, "Leonard Buildings") move to dismiss Plaintiff Leonard Truck & Trailer Inc.'s complaint in its entirety, or, in the alternative, for limited expedited discovery pursuant to Federal Rule of Civil Procedure 26(d).

As explained more in the attached memorandum in support, which is incorporated here by reference, Plaintiff has failed to state a claim for trademark infringement even if its factual allegations are presumed true as Plaintiff inexplicably, and without justification, waited well beyond the two-year statutory period to sue.

The Court should grant this motion accordingly.

Respectfully submitted,

Dated: February 25, 2022

s/ Matthew J. Cavanagh  
Matthew J. Cavanagh (OH 0079522)  
MCDONALD HOPKINS LLC  
600 Superior Avenue, East, Ste. 2100  
Cleveland, Ohio 44114  
t 216.348.5400 | f 216.348.5474  
mcavanagh@mcdonaldhopkins.com

Claudia Ray\*  
Eric Loverro\*  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, NY 10022  
t 212.446.4800 | f 212.446.4900  
claudia.ray@kirkland.com  
eric.loverro@kirkland.com

Robin McCue\*  
KIRKLAND & ELLIS LLP  
300 N. LaSalle Street  
Chicago, IL 60654  
t 312.862.2000 | f 312.862.2200  
robin.mccue@kirkland.com

\* *pro hac vice* application forthcoming

*Counsel for Defendants  
Leonard Buildings and Truck and  
Leonard Aluminum Utility Buildings, LLC*